

**IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF DELAWARE**

EQUAL EMPLOYMENT	)	
OPPORTUNITY COMMISSION,	)	
	)	
Plaintiff,	)	C.A. No. 05-697-KAJ
v.	)	
	)	
BE&K ENGINEERING COMPANY	)	
(subsidiary of BE&K, Inc.),	)	
Defendant.	)	

**BE&K ENGINEERING COMPANY'S MOTION TO STRIKE  
PAGES B285 – B288 OF PLAINTIFF'S APPENDIX TO ITS RESPONSE IN  
OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendant BE&K Engineering Company hereby moves to strike pages B285 – B288 contained in Plaintiff's Appendix to Its Response in Opposition to Defendant's Motion for Summary Judgment because those pages fail to comply with the technical and substantive requirements for submissions made in opposition to a motion for summary judgment as set forth in Rule 56.

The grounds for this Motion are more fully set forth in Defendant's Opening Brief in Support of Its Motion to Strike filed simultaneously herewith.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Margaret M. DiBianca

Teresa A. Cheek (Bar I.D. 2657)  
Margaret M. DiBianca (Bar I.D. 4539)  
The Brandywine Building, 17th Floor  
1000 West Street, P.O. Box 391  
Wilmington, Delaware 19899-0391  
Telephone: (302) 571-5008  
Facsimile: (302) 576-3476  
Email: mdibianca@ycst.com  
Attorneys for Defendant

DATED: October 4, 2006

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(subsidiary of BE&K, Inc.),	)	
Defendant.	)	

**CERTIFICATE OF SERVICE**

I, Margaret M. DiBianca, Esq., hereby certify that on Wednesday, October 4, 2006, I electronically filed a true and correct copy of the foregoing **DEFENDANT BE&K ENGINEERING COMPANY'S MOTION TO STRIKE**, as well as Defense Counsel's **STATEMENT OF COMPLIANCE PURSUANT TO LOCAL RULE 7.1.1** with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the counsel of record, and further certify that I caused a copy of such filing to be served by First Class Mail on the following counsel of record:

Woody Anglade  
U.S. EEOC  
21 South 5<sup>th</sup> Street, Suite 400  
Philadelphia, PA 19106-2515

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Margaret M. DiBianca

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